

CRIMINAL PROCEEDINGS - Change of Plea and Continued Arraignment on the Information

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

Magistrate Judge Mikel H. Williams
Case No. CR04-136S-BLW
Place: Boise
Time: 1 hour

Date: July 26, 2004
Deputy Clerk: Anne Lawron
Recorder: Vicki Jones

UNITED STATES OF AMERICA vs CARLOS VELASQUEZ-ORTEGA

Counsel for United States : Aaron Lukoff
Defendant(s): Phillip Gordon
Interpreter: Susan Evans

() Interpreter sworn
(X) Defendant sworn
(X) Defendant advises he wishes to enter a plea of GUILTY to Count(s) One and Two of the Information filed 6/24/04. Dft arraigned on the information and advised of maximum penalties. The defendant has previously waived indictment. Dft waives reading today and advises he understands the charges, maximum penalties.

() Plaintiff will move to dismiss remaining counts at the time of sentencing.
(X) Defendant WAIVES appearance before a District Judge for entry of Plea. Waiver entered. A report and Recommendation will be made to the District Judge regarding this defendants plea and the plea agreement.

(X) Court orally examines the defendant and finds the defendants competent to enter plea.

(X) Defendant is satisfied with representation by counsel.

(X) Copy of Plea agreement and charging document furnished to defendant(s). Explained by Court Defendant understands the charges and maximum penalties. Plea agreement explained to the defendant. Defendant understands the plea agreement.

(X) Defendant's Constitutional Rights and the rights he is waiving explained and are understood.

(X) The Court finds a factual basis for the plea of Guilty

(X) Signed Plea Agreements filed with the Court.

(X) Defendant withdraw previous plea of NOT GUILTY, and enters a GUILTY plea to Counts One and Two of the indictment/superseding indictment/information pursuant to the plea agreement. Court finds plea of guilty knowing and voluntary and will recommend to the District Judge he accept guilty plea and take under advisement whether to accept the plea agreement. Plea and Plea Agreement

- UNDER ADVISEMENT

(X) **Sentencing set before Judge Winmill:** 10/18/04 at 9AM, Boise

Court ordered a presentence investigation report.

Original report to Counsel: 9/13/04

Notification of Objections: 9/27/04

Final Report Due: 10/12/04

(X) Defendants custody status remains as previously ordered

() Defendant remanded to the custody of the US Marshal Service.

() Defendant released pending sentencing. All pretrial release conditions shall remain in effect.

() Defendant advised of penalties for failure to appear for Sentencing.